

COMMITTEE ON PUBLIC SAFETY, HEALTH AND TRAFFIC

April 02, 2013

6:15 p.m.

On motion of Alderman Roy, duly seconded by Alderman Long, it was voted to elect Alderman Osborne as Chairman Pro-Tem.

Chairman Pro-Tem Osborne called the meeting to order.

The Clerk called the roll.

Present: Aldermen Osborne, Long, Roy, Gamache

Absent: Alderman Katsiantonis

Chairman Pro-Tem Osborne addressed item 3 of the agenda:

3. The Traffic Division and Parking Division have submitted an agenda which needs to be addressed:

RESCIND Parking One Hour – City Business only- 8am-5pm

Market St., north side, from a point 16 feet west of Hampshire Lane to a point 68 feet west. (ORD 7957)

Alderman Long

Parking One Hour for City Hall Business only, Monday-Friday, 8:00 a.m.-8:00 p.m.

Market Street, north side, from a point 16 feet west of Hampshire Lane to a point 68 feet west.

Alderman Long

Parking for City Hall Business only – Monday-Friday – 8:00 a.m.-8:00 p.m.

Hampshire Lane, west side, from a point 50 feet south of Stark Street to a point 112 feet south of Stark Street

Alderman Long

*On motion of **Alderman Long**, duly seconded by **Alderman Roy**, it was voted to discuss this item.*

Alderman Long stated these areas are the front areas of City Hall, the one hour parking right now out front. The parking lot, six spaces, in front of the annex... The sign reads "City Business Only". People are interpreting that as city business; going to a restaurant for example. They are sort of right. What are you going to do? We would like to put "City Hall Business" on the sign. The time will be set from 8:00 a.m. until 8:00 p.m. That way the Planning Board, Heritage Commission or whatever board is meeting, there will be available parking. Right now at 5:00 p.m. it is a free parking zone. The same with the handicapped. After 5:00 p.m. that handicapped spot is an open spot for anybody. It is going to remain a handicapped spot from 8:00 a.m. until 8:00 p.m. for City Hall business.

*On motion of **Alderman Roy**, duly seconded by **Alderman Long**, it was voted to approve the parking regulation agenda.*

4. [Discussion relative to the development of guidelines for the use of Arms Parking Lot and Arms Park.](#)

*On motion of **Alderman Long**, duly seconded by **Alderman Roy**, it was voted to discuss this item.*

Alderman Long stated thank you, Mr. Chairman. There were three entities, which we are checking with, Cotton, UNH and Milly's Tavern, but we also had discussion because there were instances where the runs or walks in Arms Parking Lot went into private property. I want to make sure we are still looking at their routes, to make sure they are not entering on private property.

I noticed a route that we have in one of these that is all on public property, so that is not an issue. We just wanted to make sure we are checking on that. Also, in the past, there have been some street closures in the Arms Park area for people to gather to start a race or whatever. I wanted to make sure that both of those things were still being looked at relative to the routes going on to private property and the street closures for people to gather to either start or end the race. Those businesses are blocked off if we close the street. I think those were the only two issues that we had with that.

Alderman Greazzo asked Ms. Boutilier, can I ask if you have any of these guidelines that you have written that you give to the applicants?

Ms. Denise Boutilier, Parking Manager, replied they are given those directives verbally by me when I speak to them.

Alderman Greazzo asked would it be possible to draft up some actual guidelines to attach with the permit requests to be able to use that area so that way there is no doubt in anybody's mind as to where they can set up, what areas they can use and what areas they cannot use?

Ms. Boutilier replied sure.

Alderman Greazzo stated thank you, Mr. Chairman.

*On motion of **Alderman Long**, duly seconded by **Alderman Roy**, it was voted to receive and file this item.*

5. [Request from the American Cancer Society for the use of Arms Parking Lot](#)

on Sunday, October 20, 2013, for a walk event.

*On motion of **Alderman Long**, duly seconded by **Alderman Gamache**, it was voted to approve the request.*

6. Request from the Alzheimer's Association of NH for the use of Arms Parking Lot on Saturday, September 28, 2013, for a walk event.

*On motion of **Alderman Long**, duly seconded by **Alderman Roy** it was voted to approve the request.*

7. Communication from Denise Boutilier, Parking Manager, requesting jurisdiction over the parking lot on Merrimack Street at the vacant police building and permission to sign the lot appropriately.

*On motion of **Alderman Long**, duly seconded by **Alderman Roy**, it was voted to discuss this item.*

Alderman Long asked Denise, the ten hours is appropriate here? These people would be parking there all day?

Ms. Boutilier replied yes, the reason we are making it ten hours is the Pine Lot is pretty much half empty and then we are going to have parking on Merrimack Street, both sides, for probably a dozen or so spaces, whether we make them two-hour or ten-hour is kind of insignificant. We also have a ten-hour meter that is going up on Merrimack Street. If we make it two hours we would have to install single space meters in that parking lot rather than having them use the pay and display that is on the street, so there is some more expense there.

Alderman Long asked Merrimack Street is two hours right now, both sides?

Ms. Boutilier replied right now, there is no enforcement on Merrimack Street by the police station. We are putting in ten-hour meters there.

Alderman Long stated I thought we already took care of the old police station?

Ms. Boutilier replied you did, yes, but they are ten-hour meters, not two-hour meters.

Alderman Long asked so Merrimack Street is ten hours?

Ms. Boutilier replied correct. So this parking lot that is off of Merrimack Street might as well be ten hours.

Chairman Pro-Tem Osborne asked Denise, who is going to utilize this on the property itself?

Ms. Boutilier replied anybody who wants to buy a parking permit or feed the meter. It is a permit and metered parking lot, dual use.

*On motion of **Alderman Roy**, duly seconded by **Alderman Long**, it was voted to approve the request from the Parking Manager for jurisdiction over the parking lot on Merrimack Street at the vacant police building and permission to sign the lot appropriately.*

8. [Request from Alderman Craig for installation of stop signs on Crosbie Street at the intersection of Pickering Street.](#)

Alderman Long moved to approve the request. Alderman Gamache duly seconded the motion.

Alderman Roy asked Mr. Hoben, this request for stop signs is actually a request for a four-way stop sign, is that correct?

Mr. Jim Hoben, Deputy Traffic Director, replied that's correct.

Alderman Roy stated it doesn't say that in the request. If you look at the Manual for Uniform Traffic Control Devices, there is criteria that has to be met.

Mr. Hoben replied that is correct.

Alderman Roy stated one of them is that you have to have 300 vehicles per hour for any eight hours of an average day. During the study, there weren't that many vehicles in any one hour were there?

Mr. Hoben replied that's right.

Alderman Roy stated the 85 percentile of speeds is supposed to be 40 miles per hour but in this case it is 22 miles per hour and 30 miles per hour.

Mr. Hoben replied that is what came out in the speed report.

Alderman Roy stated as far as the accidents there are supposed to be five within a year and actually there haven't been any there for the last 14 years. Is that correct?

Mr. Hoben replied that's correct.

Alderman Roy stated for those reasons, I am going to vote against it. The other question that I had is this traffic study that was done, was from I think nine months ago; why the delay? Why was this study done and this is being brought nine months later?

Mr. Hoben replied this came before the committee before, I believe.

Alderman Roy asked it came before the committee before? I don't think it did.

Mr. Hoben replied it went directly to Alderman Craig, that's right.

Alderman Roy stated because it has been nine months since the study was done, I was just wondering why the lag time.

Alderman Craig stated before I answer that I would like to direct Alderman Roy to the cover letter that I wrote. Item number one states there are currently stop signs on Pickering, so this request would make it a four-way stop sign, so it is here. Thanks.

Alderman Roy stated I did read that but the request here in front of us doesn't say that.

Alderman Craig stated basically, what happened was I did receive a complaint from a constituent, so I did request Mr. Hoben to do the traffic study. The results came back as they were. What happened was I met with two families about a month ago and received a letter from seven other residents in the area. The initial complaint or concern came from one family, but then I heard from a number of families in that area that substantiated their claim and I felt it behooved the area to put the stop signs in, which is why I have the request here in front of you. Thank you.

Chairman Pro-Tem Osborne stated I just want to say a little something about the situation. I am looking at the study also and I can see what Alderman Roy is saying. I am not going to argue that point. The big thing here, when I look at page 8.24, I notice here 31-40 miles per hour. That could be half of them or more doing 35- 40 miles per hour. Thirty to 40 miles per hour on that street, on that short run, it runs from Pickering up one block, is very fast. It has a little hill area. Also the people are having a hard time. There are some people who have a hard time with wheelchairs and they can back out of their driveways. There are a lot of problems on that street. I know a few people on that street, so I know the street quite well. In fact, my daughter lives just off of Patricia Lane. They are going 30-40 miles per hour 391 cars, in one day. According to this, right here, there are 391 cars that travel from Crosbie northbound to Pickering going 30-40 miles per hour on that short run. That is a lot of cars going that fast on that short run. Anyways, everything has a reason. I can understand Alderman Roy and a few others about four-way stop signs. Not every place really, but you have to compromise in some situations. This is the way life is. You can't say no to everything. It just doesn't work that way. I didn't find it that way through life, but anyways this is my one

argument there. That is a lot of cars going that fast on that short, one-block run. That is my story on it. Is there anything else?

Alderman Roy stated I would just respond to that and say that is the perfect spot for enforcement. You are right, that is a lot of cars going fast. It is not only this street though, Alderman Osborne, there are a lot of other streets. We need to step up the enforcement.

Chairman Pro-Tem Osborne stated I know the streets very well. Enforcement is very hard for the Manchester Police Department or anybody else to be there all the time. It just doesn't work. It never will work. We won't have the enforcement for something like that all the time. We have to do something in some cases before something does happen and then we are sorry afterwards. That is just the way I feel about it. Everybody has their own way and their own vote.

***Alderman Long** moved to approve the request for stop signs on Crosbie Street at the intersection of Pickering Street. **Alderman Gamache** duly seconded the motion. With Alderman Roy voting in opposition the motion carried.*

9. [Communication from Attorney John Cronin regarding the closure of a city right-of-way for private restaurant operations.](#)

*On motion of **Alderman Long**, duly seconded by **Alderman Gamache**, it was voted to discuss this item.*

Alderman Long stated I have read the letter and it appears that the questions here are whether or not we had the right to close that and I am wondering if

the solicitor had reviewed this letter and could advise us.

Mr. Thomas Arnold, Deputy City Solicitor, stated I have reviewed the letter and I believe under the pertinent state statutes, the Board of Mayor and Aldermen upon recommendation of the traffic committee does have the ability to close that street on a temporary basis.

Alderman Long stated okay. Mr. Chairman, if you would give Attorney Cronin the opportunity to speak.

Attorney John Cronin stated I represent 70 Market Street, LLC. I have a few documents that I have taken from the file and I have assembled. If I could pass them out quickly, you can follow along with my discussion. On the first page is just a letter from me raising some concerns that my client has had with the restaurant operations that have been operated in the street known as Franklin Back Street. It is between the Strange Brew and my client's property, where they run a business operation. Although that involvement in the street has been going on for some time, it seems to be escalating and being more and more of a distraction to my client. They asked us to take a look at it. We were aware of the pilot program for sidewalks that has been in existence for a number of years but this is the first one that we had noted on a street or alley so called. If you look at the second page, I just have the tax map which highlights and I circled my clients building and you can see the close proximity to the Strange Brew Tavern. The front entrance to the Strange Brew Tavern is right there at the gateway. In recent years, it has not been half of that particular passageway, but the entire passageway has been shut off for restaurant operations. Initially, it was three days a week and then in 2010 it was extended. I have a letter from the city clerk talking about the

authority on which that closure was based and I have a letter behind that responding to it. I think the most important thing for you to consider and I have heard the solicitor speak, but I would ask him to reconsider his position after reviewing the ordinance. Chapter 97, and I have taken the relevant excerpts, there is an ordinance that has been adopted, 97.34 that talks about encumbrances. If you look at section A, that is the general authority that the City has or the Mayor and Aldermen through their bylaws to close sidewalks and streets. I think it is important and I have highlighted for you that both streets and sidewalks are mentioned. Those closures can be done for the purposes of conducting street fairs or other community events but not for private business. If you extend down in that same section, you will see subparagraph B. That is the section that relates to the pilot program. You can see the geography is detailed from the downtown district. Particularly of importance is that this only relates to sidewalks. This bylaw allows the clerk, director of planning and community development and the risk manager to issue various licenses for use in sidewalks, but it limits it only to half of the sidewalk to allow passage. Whether or not people believe this is a good idea or bad idea, I don't think that is the point. I think the point is that this particular bylaw, relative to the pilot program only relates to sidewalks. This restaurant expansion is maintained in the street. There is a letter in your packet from Kevin Sheppard that details when that street was dedicated; when it was laid out. It is still an accepted public street. I just don't believe that there is authority under this bylaw or any other law that allows the City to shut down a street for the benefit of one business, as opposed to another business that is trying to operate in the community. I would just ask you to take a look at those and consider them. I have attached a case that I think has some relevance to the ordinance. It talks about a town, and I recognize that the procedures for towns and cities are similar but it says that the power,

whether it be selectmen or board of mayor and aldermen, are not absolute and that there can't be a taking of a public street to the detriment of a business. My client asks that you consider it and not issue any licenses to operate the expansion of the restaurant business in that street.

Alderman Long asked are there particular times that there seems to be an issue there?

Mr. Cronin replied I don't think that you could specify. I think the most difficult is the "changing of the guards" so to speak. The start time, I believe, is 5:00 p.m. in the afternoon but prep for that area happens before to open it up. People are leaving the office after that hour. There are different interactions with patrons and some of the workers that have been less than pleasant in recent times. Also some of the goings on are there in the morning for the business to deal with. That is not a direct reflection on the business operator; it is just the nature of the business that you are running. You are running a bar and a tavern, I am sure people do things to and from their cars or two and from where they are going, but overall it has been an increasing distraction to my client's ability to operate his business. After taking a look at it, my first instinct is maybe it was covered by a pilot program, my research, and I believe the ordinance suggested it's not. Thank you.

Alderman Long stated so a Saturday or Sunday has no effect on your client.

Mr. Cronin stated I wouldn't say that. I believe Saturday and Sunday, in this day and age, in this economy, if you are in a professional business, if you are not working from 9 a.m. to 4:00 p.m. anymore, you are working at all hours of the day. I would suggest that it has probably decreased. There is probably

not as much business activity at that location, but what they arrive to on a Monday morning may be more so than it would be on a weekday. Certainly I would agree that the impacts on a daily basis during the business hours would more probably than not be less on the weekend than it is during the weekday.

Alderman Long asked is your client parking on this back street?

Mr. Cronin replied I think everybody parks in and around that area, yes.

Alderman Long asked so your client is parking in the back of the street?

Mr. Cronin replied I believe so.

Alderman Long asked Denise or Kevin, is there any parking designation on this back street? It doesn't seem wide enough to have parking at all on it. Is the parking and vehicles going through there the issue?

Mr. Cronin replied I think it is both. I don't think you can put any cars through there when the restaurant operation is set up. I think it started with half the width and has expanded to be right up against the building, which you can see there is not much of a setback there. There is a whole host of concerns. Like I said, whether you like it or not or whether you think it is a good idea for business or whether there is some relationship to all of the parking down in that area; I think that is secondary to the nature. What has been issued on a license before? Not through any ill will. Maybe through some oversight. I don't believe it is permitted by your existing laws.

Alderman Roy stated thank you for coming. In your letter it says “intolerable distractions”, what is that?

Mr. Cronin replied interaction with the clientele of the personnel going back and forth, inability to pass, loud noise, trash, urination on the building at times.

Alderman Roy stated I was on this committee when we first got it, along with Alderman O’Neil, if I remember right, and we talked about interaction and all that stuff. This was going to be in times when the neighbors weren’t conducting business. Are you telling me their hours have changed?

Mr. Cronin replied no, I am not telling you that at all.

Alderman Roy stated I have also noticed on this paperwork that you sent a copy to Joe Whitcher, he is a surveyor. Why did you send him a copy?

Mr. Cronin replied because I had some title work done on that particular area and as you may or may not know, I think there was some filing that suggested that there may be an effort to discontinue that street and he has been working with the property owner on that. I don’t think it is before the board.

Alderman Roy stated that is news to me.

Mr. Cronin replied there was an application that was circulating at some point in time that I was given a copy of. I raised an objection to that and suggested that if it was discontinued it wouldn’t really resolve the problem.

Alderman Roy asked has your client approached Strange Brew to try to work this out? This sound more like a neighbor dispute to me and I am always leery of getting in the middle of them.

Mr. Cronin replied prior to my involvement, I think there were a number of efforts on both sides that did not result in any satisfactory outcome.

Alderman Roy stated I noticed the owner of the Strange Brew isn't here. Mr. Chairman, I would like to get some input from him and see his response to this.

Chairman Pro-Tem Osborne asked how many people or businesses does this affect?

Mr. Cronin replied I am only speaking on behalf of my client. There is one business, the Market Street Settlement Group, that operates out of that particular building.

Chairman Pro-Tem Osborne asked what is their business?

Mr. Cronin replied they are a closing settlement agency; real-estate closings. There are people coming in to close transactions. They have a number of processors and other people.

Chairman Pro-Tem Osborne asked so this is mostly nighttime problems that you are having here?

Mr. Cronin replied not according to my client. I can bring them the next time and you can hear from them directly about some of the challenges that they have had. Certainly, I have not experienced them firsthand, not being there, but if that is a particular concern, I will have them here and speak to that.

Chairman Pro-Tem Osborne stated I think that would be a good idea. I don't know what else you want us to do at this present time. It is something to take under consideration.

Mr. Cronin stated my position is, regardless of what either of the property owners say, the law either permits it or it doesn't. I would just like the committee to make a determination of that after it has done the homework, it deems is necessary. If that is to hear from those folks and again, I would ask Attorney Arnold to reconsider his initial opinion and he may or may not chose to do that.

Alderman Long asked can we have the solicitor, at our next meeting, give us his opinion in writing? Dispute Attorney Cronin's assumption that we are not allowed to do that.

*On motion of **Alderman Roy**, duly seconded by **Alderman Long**, it was voted to table this item.*

10. [Communication from Gary Harper, The Derryfield School - Director of Facility Operations, regarding concerns with traffic safety at the intersections of River Road/Bicentennial Drive and River Road/Union Street.](#)

*On motion of **Alderman Long**, duly seconded by **Alderman Roy**, it was voted to discuss this item.*

Alderman Long stated in reviewing this, it appears that there has been an agreement as to how to approach this. The costs will be incurred by the Derryfield School. I have the \$11,000 material cost, however, is the labor being done by the City?

Mr. Gary Harper, Director of Facility Operations for the Deerfield School, stated there are actually two parts of this proposal. I met with Mr. Jim Hoben from the City of Manchester and what he is willing to do to work with us is to provide some signage and road striping and lettering in the roads stating "School Zone", etc. What the Derryfield School is also looking to do at our expense is install a radar sign that says your speed, etc. We talked about this a lot as a committee at the school and we thought that a flashing yellow some folks would just get used to and it wouldn't mean anything but something that says, your speed is, kind of directs it to you. Hopefully that would have a little more affect. We would incur that entire cost, the installation cost and maintenance of that radar speed signage.

Alderman Long asked that will be done by the Highway Department?

Mr. Harper replied no, we would contract with New England Signal to do the installation and that was recommended again, by Mr. Hoben.

Alderman Long asked so the signage and street paint will be incurred by the City?

Mr. Harper replied correct.

Alderman Long asked Mr. Hoben, do you know the cost of that?

Mr. Hoben replied I would say for the signage, it is probably around \$600 and the road painting we typically do on River Road anyway. It is on our list to be done.

Alderman Long asked there is already school zone lettering painted on the street?

Mr. Hoben replied we didn't get to it last year. It is on our list.

Alderman Long asked so we don't always do it?

Mr. Hoben replied right.

Alderman Long asked what is that cost? We are looking at \$600 for signage including installation?

Mr. Hoben replied right and about \$100 for the pavement parking.

Alderman Long asked so we are looking at about \$800?

Mr. Hoben replied correct.

Alderman Long stated personally I have an issue with the City incurring those costs. It is not a public school. I understand it is a school zone and I don't have an issue with marking that, but I don't know what the City should incur that cost.

Mr. Hoben replied we have done many private schools; all of the catholic schools.

Alderman Long asked what is the total expense for all of the private schools that we do?

Mr. Hoben replied it is in the thousands.

Alderman Long asked is it in the tens of thousands?

Mr. Hoben replied no.

Alderman Roy stated that is a concern of mine as well. Mr. Hoben, can you get us a list of all of the private schools and what we do for them?

Mr. Hoben replied sure, I will supply it to you.

*On motion of **Alderman Long**, duly seconded by **Alderman Roy**, it was voted to approve the radar signs under the direction of the Highway Department and that the school incurs the costs of the signage and street paint.*

TABLED ITEMS

11. [Communication from Attorney Wenners requesting a review of parking on City sidewalks on Amherst Street.](#)
[\(Note: Tabled 2/04/2013.\)](#)

This item remained on the table.

12. [Discussion regarding the discontinuances and closures of city streets.](#)
(Note: Tabled 12/03/2012; Public Works Director to provide a plan for traffic and street closure on Hayward Street. Referred by the board on 11/20/2012; Communication and a neighborhood petition has been submitted by Phil LeBlanc.)

This item remained on the table.

13. [Discussion regarding restrictions, policies and penalties for aggressive animals and animal attacks.](#)
(Note: Retabled 3/4/2013; Alderman Long to report back to the committee regarding the attached proposal. Originally tabled 8/6/2012.)

This item remained on the table.

14. [Communication from Alderman Arnold requesting reconsideration of the upgrade of the intersection at Dunbarton Road and Front Street to a full traffic signal.](#)
(Note: Tabled 10/1/2012)

This item remained on the table.

15. [Communication from Alderman Arnold regarding parking regulations on Country Club Drive.](#)
(Note: Tabled 2/04/2013.)

This item remained on the table.

On motion of Alderman Long, duly seconded by Alderman Roy, it was voted to adjourn.

A True Record. Attest.

A handwritten signature in black ink, appearing to read "Matthew Normand". The signature is fluid and cursive, with a long horizontal stroke at the end.

Clerk of Committee